whether there was such a *primâ facie* case of a valid patent in the plaintiffs, and an infringement by the defendants, as to justify the Court interfering by injunction, as it appeared to be admitted on both sides that the dispute must be ultimately settled on a trial at law.

The Vice-Chancellor said, the only question was, whether the Court ought to interfere by injunction, as it was manifest that the principle claimed by the plaintiffs' patent was known and published as long ago as 1807 (as appeared from Mr. Aikin's and Prof. Brande's works), and, therefore, that it was a very fit case for the opinion of a court of law. It was shewn that the plaintiffs' patent had not been brought into active use (or had been kept in abeyance, as it was termed) for many years; and though this was no reason why the Court should not interfere to protect the patent, yet the probable mischief that might arise from the sale of the defendants' was much diminished by this circumstance—and it might, on the other hand, be a great injury to the defendants now to interfere by injunction. He thought, therefore, the proper thing to do was, to make no order on the motion, but to direct the plaintiffs to bring an action to establish their patent, with liberty to either party to apply to the Court.

SHERIFF'S COURT.—Feb. 1.

THE VALUE OF A LODGING-HOUSE.

The claimant, named Newton, landlord under an unexpired lease of fifteen years, of three lodging-houses in Buckeridge-street, St. Giles's, sought compensation at the hands of the Crown for injury done to his leasehold property and business. The claim set up amounted to 1,187*l.* The houses were held under lease at 60*l.* a-year; and it was shewn in evidence that, some time since, they were worth to the claimant 125*l.* a-year, on an improved rent of 65*l.* annually. Valuing the lease at ten years' purchase, he claimed 650*l.* In one of the houses he carried on the business of a chandler, at a clear profit of 150*l.* a-year, and taking it at a two years' purchase, he claimed 300*l.* The houses altogether contained about *fifty beds*, let chiefly to night lodgers, at 3d. a-head, or 6d. for a whole bed. After deducting the outgoings, the beds produced nearly 200*l.* a-year. There was but *one servant to attend to the beds, thirty-six of which she made with her own hands every day*, and for doing so, and washing the bed-clothes, and keeping the bed-rooms clean, in all the three houses, she received *sixpence a day, out of which she had to feed and clothe herself.* Several surveyors and auctioneers were examined, who estimated the claimant's leasehold interest at sums varying from 500*l.* to 600*l.*; the value of fixtures at from 40*l.* to 50*l.*, and the loss of business at 300*l.* The jury awarded claimant 627*l.*—namely, for leasehold interest 352*l.*, for fixtures and other damages 275*l.*

Important Decision concerning Scotch Glebes.—A case of considerable importance has recently been decided in the Sheriff-court of Fort William, involving the question whether the parish minister has a right to cut down the trees on his glebe. Several of the seceding clergymen in the Highlands, answering this question in the affirmative, laid the axe to the root of many a goodly tree, about the time of the Secession; among others, we noticed, at the time, the cases of Lochbroom and Kilmalie. The facts of the Kilmalie case are simply these—Mr. Davidson, late minister of that parish, maintained, in point of law, that as a minister he was entitled to cut down every tree on the glebe without control, up to the moment of his demission. The Sheriff-Substitute took a different view of the matter, on being appealed to by Lochiel and other heritors; and Mr. Davidson having appealed to the Sheriff-Depute of Argyle (Mr. Bruce), the decision has been affirmed against the claim of the minister.—*Inverness Courier.*

Hungerford and Lambeth Suspension-Bridge.—It was stated at the last half-yearly meeting of the company, that the bridge will be completed by Midsummer. It is contemplated to take a half-penny toll, that amount including the right to return.

The great fountain now in progress at Chatsworth is expected to play to a height of upwards of 200 feet.

ASSESSED TAXES CASES.

Determined by the Judges on Appeal.

May 18, 1841.

Windows—Dairy.

Appellant, a farmer, who had been allowed for two glazed windows, one in a dairy and the other in a cheese-room, claimed to be entitled as for a third dairy window, partly wire and partly glass.—Held, not so entitled, such third not being made wholly of glass.

At a meeting of commissioners, held 1st September, 1840, at Brailsford, for hearing and determining appeals against the first assessments of land and assessed taxes, for the hundred of Appletree, for the year ending 5th April, 1841 (4th Geo 3, c. 35, sch. (A), exemption case 4; 57 Geo 3, c. 25, s. 5);—William Osborne, of Sutton-on-the-Hill, farmer, appealed against the assessment made upon him in respect of eighteen windows. It appeared that the appellant had been allowed two glazed windows, the one in a dairy and the other in a cheese-room, but he claimed to be exempt for a third dairy window, part wire and part glass, to which latter exemption the commissioners considered the party entitled; but Mr. Clarke, the surveyor, submitted that by the 4th section of 6 Geo 4, c. 7, the appellant had received all the benefit which that Act allowed him, and that Case 4 of exemptions to 48 Geo. 3, c 55, did not apply to the third window in dispute, as it should have been made "wholly without glass." The commissioners, however, allowed the appeal, and reduced the assessment to seventeen windows; and at the surveyor's request this statement of facts is given for the opinion of her Majesty's judges.

Richard Wilcockson, of Biggin, appealed at the same time in respect of eight windows. He is by trade a miller, and in the occupation of a corn-mill. He occupies land, milks five cows, and prayed exemption for two windows, both of glass, one in a dairy and the other in a cheese-room. The commissioners relieved the appellant, subject to a case demanded by the surveyor.

Charles Hazzledine, of Bradley, also appeared and claimed to be exempt for two glazed dairy and cheese-room windows, included in the number, viz. fourteen, assessed in respect of his dwelling-house. The appellant is a licensed victualler, keeps seven cows, and occupies about twenty acres of land. The commissioners considering this to be a farm-house, and that the party derived his livelihood principally by farming, considered the appellant entitled to the exemption; but the surveyor contended that the house was clearly not a farm-house (*bonâ fide*) used for the purposes of husbandry only, to which description of houses glazed windows could only be allowed. The surveyor being therewith dissatisfied, demanded a case for the opinion of her Majesty's judges, which is hereby stated and signed accordingly.

Elisha Browne, of Shirstone, licensed victualler, also appealed against an assessment of thirteen windows, and claimed an exemption for two of them, being glazed windows, one in a dairy, and the other in a cheese-room, both distinct; from which the appellant was relieved by the commissioners, on the same terms and conditions as are set forth in the foregoing case; with which determination the surveyor was dissatisfied, and demanded a case.

Mary Wheeldon, of Muggington, also appealed against an assessment upon her for ten windows. The appellant is a licensed victualler, keeps a dairy of cows, and occupies land accordingly; and on that ground claimed to have two windows, both of glass, allowed her for a dairy and cheese-room. The commissioners relieved the appellant, and the surveyor demanded a case.

Ann Bembridge, of Hulland Ward, also appealed against eight windows; she keeps a public-house, occupies land, milks six cows, and makes butter and cheese. The commissioners allowed the claim to exemption for two glazed windows to a dairy and cheese-room; but the surveyor submitted that this house was not a farm-house (*bonâ fide*) used for the purpose of husbandry only; that the appellant therefore was not entitled to the relief granted; and requested a case for the opinion of her Majesty's judges, which is stated and signed accordingly.

Witness our hands to this and the several other preceding cases this 15th day of January, 1841.

E. S. Chandos Pole,
Rkgd. C. Pole,
Roger Cox,
} Commissioners.

We are of opinion, that the determination of the commissioners is wrong.

J. Patteson, J. Williams, W. H. Maule, R. M. Rolfe.—*Justice of the Peace.*

Correspondence.

warming and ventilating.

Sir,—My object in writing these remarks, is not so much to endeavour to bring you to coincide with my views, as to shew your readers that when I make assertions I am generally able to prove them, though it may be perhaps not satisfactorily.

To the promiscuous use of stoves in warming ordinary buildings and dwelling-houses I am decidedly opposed, and I am aware that in many cases common grates have been substituted for them, and often at great expense; but for the purpose of warming school-rooms they are almost invaluable. In such a case, I never knew of their being removed; on the contrary, I have heard of an instance in a school-room where the chimney-openings were bricked up, and stoves being used, have given great satisfaction. The use of the hot-water apparatus is so costly at first, and so expensive in operation, that economy precludes its use, or else their use would certainly be preferable; consequently there is no choice left to the architect but the use of stoves or of common grates. The principal objection raised by you to the use of stoves, seems to be the generation of noxious fumes; but I think you will allow that this will not hold good, by the utter impossibility of any being generated in a good stove, the flue of which passing under the floor would render leakage in that part of no consequence, and, by combining effective ventilation, and the precaution of supplying moisture to the air by means of water, that the bad effects, if any were generated by such a stove, would be entirely obviated. In some schools the only ventilation afforded is by the door and a few broken squares of glass; this, with a rusty shiff-stove in the centre of the school, generally red-hot, with a long iron pipe to the ceiling, every joint of which emits a deadly stream of gas, is a mode which ought to be opposed in every possible manner, and is certainly one which I should not advocate; but I contend that the numberless disadvantages attend ng the use of common grates, the ineffective manner in which they perform their duty, and their much greater expense, afford an argument for the use of stoves which ought not to be slightly passed over, and I am further strengthened in my opinion by actual observation and good authority.

I remain, yours, &c.

February 19, 1841. C. D.

[We have small faith in the economy of any of those close stoves—descending flues are to be mostly deprecated; nearly all the great conflagrations which have occurred of late years in England have emanated from them. It little matters whether smoke or noxious vapour escape *in* a school-room or *under* it, since in either case it is sure to find its way into the school; but on the score of want of cleanliness they are most to be deprecated, as the havoc they cause that way renders them the most expensive means of warming which could be adopted. Much of the smoke from all stoves and chimneys comes from them when fresh coals are put upon the fire; and in all manner of open-stoves there is on every such occasion a great fume pulled from the stove; and if the flue descend, we know from close watching, often all the smoke for some time refuses to be drawn into the flue, unless, indeed, the whole front of the stove be shut in closely, so as to prevent its being vomited into the room. With regard to ventilation, we advise that not only should there be louvres and valves in the roof and ceiling, wherever practicable, but that air-flues should be carried up in the thickness of the walling, with valves within the building, and external gratings to prevent their being stopped by birds building nests within them; the external gratings may be made as fixed

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